

CHAPTER 217  
WASTE TIRE END-USER INCENTIVE PROGRAM

**567—217.1(455D) Goal.** The goal of this program is to provide a financial incentive to increase the use of processed waste tire products, so as to facilitate the establishment of future markets for processed waste tires.

**567—217.2(455D) Purpose.** The purpose of this chapter is to establish a waste tire end-users incentive program for the allocation of moneys to such end-users. This chapter establishes the guidelines that the department will use to determine eligible end-users and the procedures for the allocation of funding to such end-users.

**567—217.3(455D) Definitions.** As used in this chapter:

“*Beneficial use*” means the use or application of processed waste tires in a manner that provides a benefit to an end-user, other than from processing, and which does not pose a threat to the environment, or to public health and safety. Use of processed waste tires primarily as means for land disposal shall not be considered a beneficial use.

“*Department*” means Iowa department of natural resources.

“*End-user*” means an industry, utility, business, governmental agency or department, or individual that recycles, reuses, or consumes for energy recovery processed waste tires. A tire processor shall not be considered an end-user.

“*Passenger tire equivalent*” means a conversion measurement used to estimate waste tire amounts from a total weight figure where one passenger car tire is equal to 20 pounds.

“*Processing site*” means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

“*Site of end use*” means a site where processed waste tires are recycled or reused in a beneficial manner authorized by the department.

“*Tire processor*” means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat. “Tire processor” does not mean a person who retreads tires or processes and stores tires.

“*Waste management assistance division*” means the waste management assistance division of the department of natural resources established by Iowa Code section 455B.483.

“*Waste tire*” as defined in Iowa Code section 455D.11 means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. “Waste tire” does not include a nonpneumatic tire.

**567—217.4(455D) Role of the department of natural resources.** The department is responsible for the administration of funds awarded to end-users under these rules. The department will ensure that funds disbursed meet guidelines established in Iowa Code section 455D.11F.

**567—217.5(455D) Funding source.** The department will use funds available from the waste tire management fund, authorized by Iowa Code section 455D.11C. Pursuant to Iowa Code section 455D.11F, \$300,000 in annual funding is provided from the waste tire management fund for the waste tire end-user incentive program beginning in fiscal year 1999 through fiscal year 2002. Funds shall be made available to eligible end-users as specified in rule 217.6(455D) on a quarterly basis.

**567—217.6(455D) Eligibility.** Any end-user as defined in rule 217.3(455D) may request funding through this program subject to the requirements of this chapter and the following conditions:

**217.6(1)** The end-user must be a facility, industry, or business located within Iowa, with the site or end use of the processed waste tire products also located within Iowa.

**217.6(2)** The end-user shall annually consume or use the equivalent of more than 250,000 processed waste tires at a site of end use, based on the passenger tire equivalency defined in rule 217.3(455D). End uses eligible for funding through this program include, but are not limited to, the following:

- a. Tire-derived fuel consumption;
- b. Use of shredded waste tires for leachate collection systems in permitted sanitary landfills;
- c. Use of shredded tires for civil engineering applications for lightweight fill in public roads, public road embankment structures, and other civil engineering projects as designed by an Iowa-registered professional engineer;
- d. Use of crumb rubber materials as a modifier in asphalt paving materials, as surfacing for recreational or athletic surfaces, as a soil amendment, or as incorporated into finished products including, but not limited to, belts, hoses, mats, rubberized compounds and sealants; and
- e. Other uses of processed waste tire products determined by the department to be a beneficial use.

Whole waste tires consumed or placed into a beneficial use, or whole waste tires that have been compressed and banded into a tire bundle or bale and then placed into a beneficial use by an end-user, shall not be eligible for funding through this program.

**217.6(3)** The end-user must not have a pending enforcement action from the department relating to Iowa Code sections 455D.11 through 455D.11H.

**217.6(4)** State board of regents institutions of higher education, as defined in Iowa Code section 262.7, which receive funding for the consumption of tire-derived fuel as authorized in Iowa Code section 455D.11F shall not be eligible for funding consideration through this chapter.

**567—217.7(455D) Allocation of funds.** The department shall determine the total amount of funding available for allocation to an end-user or end use project during a fiscal year, based upon consideration of the following:

**217.7(1) *Maximum allocation.*** Eligible end-users may receive up to \$150,000 from the waste tire management fund in a fiscal year, at a reimbursement rate equal to no more than 50 percent of the costs incurred or paid per ton by the end-user to receive the processed waste tire materials, with a maximum reimbursement of not more than 10 cents per passenger tire equivalent processed and delivered to the site of end-user. The passenger tire equivalency ratio shall apply directly to the weight of the processed waste tire material received by the end-user and shall not reflect any allowances for any nonrecyclable portions of processed waste tires not included in the tonnage delivered to the end-user.

**217.7(2) *Allocation requests in excess of funding availability.*** An individual end-user's request for funds shall be compared to the total amount of annual program funding available. If the total amount of requests for funds exceeds the total amount of annual funds available, funding allocations shall be made proportionately among end-users, based on the passenger tire equivalent number of processed waste tires received by an end-user or site of end use during the fiscal year for which funding has been requested.

**567—217.8(455D) Intent to participate.** Eligible end-users of processed waste tire products desiring to obtain cost reimbursement through the waste tire end-user incentive program shall submit a letter of intent to the department, which shall describe their intent to participate in the program, by June 1 prior to the beginning of the fiscal year for which funds are anticipated to be requested. The letter of intent shall provide the following information:

1. Address and location of the site of end use for the processed waste tires.
2. Estimated quantity of processed waste tire materials to be purchased, consumed or reused during the fiscal year as measured on a tonnage basis.
3. Estimated costs to be incurred or paid per ton by the end-user to receive the processed waste tire materials. The end-user shall obtain bid estimates or a contract for the purchase of processed waste tire products, and this documentation shall be provided to the department. Procedures that the end-user follows to make contract award determinations shall also be described. If multiple bids or price estimates were obtained by the end-user, such bid and pricing information shall be included in the narrative submitted to the department.
4. A description of the proposed method of consumption, recycling, or reuse of the processed waste tire products.

**567—217.9(455D) Submittal of requests for funds.** Funds through the program shall be disbursed to end-users approved by the department. Funds shall be disbursed as reimbursement for approved expenditures on a quarterly fiscal year basis; ending dates of each quarter of a fiscal year are September 30, December 31, March 31, and June 30.

The department will issue reimbursement payments to the end-user only. In order to disburse funds, an end-user must submit the following information within 45 days following the end of the fiscal year quarter for which reimbursement is requested:

1. Copies of statements, invoices, and tonnage receipts that clearly denote the quantity of processed waste tire products consumed, reused, or recycled by the end-user, and the cost incurred or paid per ton by the end-user to receive the product, during the past fiscal year quarter for which funds have been requested.
2. If not included on the statements, invoices, or tonnage receipts, evidence that the processed waste tire materials were obtained from an Iowa-based waste tire processor, collector, or other documented source for waste tire materials.
3. A correctly completed state claim voucher to the department.
4. A narrative summary describing the type of end use that the processed waste tires were incorporated into or consumed by.

**567—217.10(455D) Disbursement of funds.** Funds through the program shall be disbursed to end-users that have submitted a request for funds to the waste management assistance division and have had such a request approved by the department. The department will disburse funds to the eligible end-user only. Within 30 days of an end-user's notification of approval of the request for funds by the department, the end-user shall submit a correctly completed state claim voucher to the department. Payment to the end-user will then be issued.

**567—217.11(455D) Funding denial.** An end-user may be denied funding through this program for any of the following reasons:

1. An end-user does not meet the definition of “end-user” as defined in rule 217.3(455D);
2. An end-user does not meet the eligibility requirements pursuant to rule 217.6(455D);
3. An end-user has a pending enforcement action issued by the department relating to Iowa Code sections 455D.11 through 455D.11H; or
4. An end-user does not provide sufficient information as requested in rules 217.8(455D) and 217.9(455D).

These rules are intended to implement Iowa Code section 455D.11F as amended by 1998 Iowa Acts, House File 2546, section 4.

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